

### **REMARKS**

Claims 1-33, 37-39, and 41-59 remain in this application. Claims 1, 22, 41, and 51 are currently amended. Claims 34-36 and 40 have been canceled. Claims 58 and 59 have been withdrawn.

The examiner states that claims 5, 8-12, 24, 27-31, 47-50, and 55-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **I. ALLOWABLE SUBJECT MATTER**

The examiner states that claims 5, 8-12, 24, 27-31, 47-50, and 55-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicants respectfully submit that base claims 1, 22, 41, and 51 are in condition for allowance as discussed below. Therefore, the applicants respectfully request that the examiner remove the objections to claims 5, 8-12, 24, 27-31, 47-50, and 55-57.

#### **II. CLAIM REJECTIONS – 35 U.S.C. §102**

##### **A. The Examiner's Statements**

The examiner rejected claims 1-4, 6, 7, 13-26, 32-33, 37-39, 41-46, and 51-54 under 35 U.S.C. §102(b) as being anticipated by Bishoff (U.S. Patent No. 5,215,444).

##### **B. The Law**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>1</sup> The identical invention must be shown in as complete detail as is contained in the ... claim.<sup>2</sup> In addition to disclosing every claim limitation, an anticipatory prior art reference must enable the practice of the invention and describe it sufficiently to have placed it in the possession of a person of ordinary skill in the field of the invention.<sup>3</sup>

##### **C. Rejection of Claims 1-4, 6, 7, 13-23, 25, 26, 32, 33, 37-39, 41-46, and 51-54**

The applicants respectfully submit that claims 1-4, 6, 7, 13-23, 25, 26, 32, 33, 37-39, 41-46, and 51-54 are not anticipated by Bishoff because Bishoff does not disclose each of the limitations recited by the claims. Specifically, Bishoff does not disclose maintaining the flowbore fluid in the control system body flowbore such that all flowbore fluid entering the control system body inlet exits the control system outlet. Bishoff teaches a flowbore, defined by inlet (40) and outlet (42), that extends “through the length” of the

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<sup>1</sup> *Verdegaal Bros. v Union Oil Co of California*, 814 F 2d 628, 631, 2 U S P Q 2d 1051, 1053 (Fed Cir 1987)

<sup>2</sup> *Richardson v Suzuki Motor Co.*, 868 F 2d 1226, 1236, 9 U S P Q 2d 1913, 1920 (Fed Cir 1989)

<sup>3</sup> *In re Paulsen*, 30 F 3d 1475, 1478-79 (Fed Cir 1994)

control system body. However, as the examiner points out, Bishoff teaches that a portion of the flow through the flowbore can be diverted to the valve mechanism 48. The flow is diverted through the valve mechanism 48 to outlet 44 when the mechanism 48 is in a position that opens port 50. Although when flow is not diverted through the outlet 44, the full stream of fluid flow goes through the flowbore, Bishoff does not teach that all fluid flowing into the flowbore inlet exits the flowbore through the flowbore outlet. Thus, Bishoff does not teach maintaining the flowbore fluid in the control system body flowbore such that all flowbore fluid entering the control system body inlet exits the control system outlet as required by the claims. The applicants therefore respectfully submit that the rejection is unsupported by the art and request that the examiner withdraw the rejection with respect to the claims.

### **III. STATEMENT REGARDING CLAIMS**

The applicants have argued the allowability of the claims by addressing the comments by the examiner in this paper as well as previously during the prosecution of this application. By doing so, the applicants are in no way limiting their ability to argue additional points of novelty regarding the independent claims or dependent claims at a later date.

### **CONCLUSION**

The applicants respectfully request reconsideration the rejected and objected to claims and that a timely Notice of Allowance be issued in this case. If the examiner feels that a telephone conference would expedite the resolution of this case, the examiner is respectfully requested to contact the undersigned.

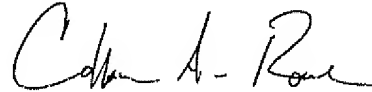
In the course of the foregoing discussions, the applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. There may also be other distinctions between the claims and the prior art that have yet to be raised, but that may be raised in the future.

Unless the applicants have specifically stated that an amendment was made to distinguish the prior art, it was the intent of the amendment to further clarify and better define the claimed invention and the amendment was not for the purpose of patentability. Further, although the applicants may have amended certain claims, the applicants have not abandoned their pursuit of obtaining the allowance of these claims as originally filed.

Appl. No. 10/775,840  
January 19, 2007  
Reply to Office Action dated October 23, 2006

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769 (ref. 1391-46000) of Conley Rose, P.C., Houston, Texas.

Respectfully submitted,  
CONLEY ROSE, P.C.

A handwritten signature in black ink, appearing to read "Collin A. Rose". The signature is fluid and cursive, with the first name "Collin" and last name "Rose" being more prominent than the middle initial "A.".

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